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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 3taps, Inc.,

18 Plaintiff,

19 vs.

20 LinkedIn Corporation,

21 Defendant.
22

Case No. 18-cv-00855-EMC

**STIPULATION AND ~~PROPOSED~~
SCHEDULING ORDER**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

1 **STIPULATION AND ~~PROPOSED~~ ORDER**

2 WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned
3 action against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (ECF No. 1);

4 WHEREAS, on February 14, 2018, 3taps moved to relate this action to *hiQ Labs, Inc. v.*
5 *LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-
6 EMC);

7 WHEREAS, on February 23, 2018, this action was reassigned to this Court as related to
8 the hiQ Action;

9 WHEREAS, on March 7, 2018, this Court stayed this action pending resolution of an
10 appeal in the hiQ Action (*see* ECF No. 10);

11 WHEREAS, the Ninth Circuit issued its mandate in LinkedIn’s appeal in the hiQ Action
12 on November 19, 2019;

13 WHEREAS, a Case Management Conference in the above-captioned matter is currently
14 scheduled for January 30, 2020 at 9:30 a.m. (ECF No. 23);

15 NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND
16 AGREED:

- 17 1. LinkedIn’s deadline to answer or otherwise respond to the complaint shall be
18 March 31, 2020. If LinkedIn’s response to the complaint is a motion pursuant to
19 Federal Rule of Civil Procedure 12:
- 20 a. hiQ’s opposition to the motion shall be due on May 29, 2020.
 - 21 b. LinkedIn’s reply in support of its motion shall be due on June 30, 2020.
 - 22 c. The hearing on the motion shall be July 23, 2020 at 1:30 p.m.
 - 23 d. If the court issues an order denying LinkedIn’s motion, LinkedIn shall have
24 30 days from the date that the Court issues that order to file its answer.
- 25 2. No party shall propound any discovery on any party or non-party until 15 days after
26 LinkedIn files its answer or July 31, 2020, whichever is later.
- 27 3. The deadline for the parties to exchange initial disclosures shall be 10 days after
28 LinkedIn files its answer, or July 31, 2020, whichever is later.

- 1 4. The Case Management Conference currently set for January 30, 2020 at 9:30 a.m.
2 is continued to July 23, 2020 at 1:30 p.m.
3 5. Nothing in this order precludes either party from applying to the Court for relief
4 from any deadline set forth in this stipulation and proposed order.
5

6 DATED: December 31, 2019

THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

7
8
9 By: /s/ Thomas V. Christopher
THOMAS V. CHRISTOPHER

10 *Attorneys for Plaintiff 3taps, Inc.*
11

12 DATED: December 31, 2019

MUNGER, TOLLES & OLSON LLP

13
14 By: /s/ Jonathan H. Blavin
15 JONATHAN H. BLAVIN

16 *Attorneys for Defendant LinkedIn Corporation*
17

N.D. Cal. Civil Local Rule 5-1 Attestation

18 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
19 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
20 Thomas V. Christopher concurred in the filing of this document.
21

22 /s/ Jonathan H. Blavin
Jonathan H. Blavin
23
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28

~~[PROPOSED]~~ ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: December 31, 2019



The Honorable Edward M. Chen